

Application No. 10/774,285
Docket No. UC0406USCIP

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Remarks

MAR 20 2007

Status of the Application

Claims 1-2, 4-10, 12, 14-16, 18, and 20-22 are pending; new claims 23-25 have been added.

Applicant has filed concurrently herewith a petition for the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119(e) so the amendment to the specification in a prior action which amended the priority claim to reflect the provisional filing information associated with previously claimed Ser. No. 10/284,728 is not being canceled in this amendment, pending the outcome of said petition.

New claims 22-25 incorporate subject matter that the Examiner has indicated would be allowable (please see paragraph 8 in the Office Action dated November 20, 2006). The Applicants thank the Examiner for identifying this subject matter as patentable.

Claim 22 has been amended to cure the deficiency noted by the Examiner in the same Office Action, and Applicants thank the Examiner for pointing out the error.

Primary References For Obviousness Rejection Not Prior Art

Certain claims were previously rejected as obvious over U.S. 6,916,554 to Ma et al. ("the Ma reference") or U.S. 7,011,897 to Thompson et al. ("the Thompson 2 reference"), whether alone or in combination with another reference.¹ However, these primary references are not prior art, and thus no rejection can be based on them, as will be explained.

The present application is a continuation-in-part of U.S. Serial No. 10/768,209 filed on January 31, 2004, now abandoned, which was a continuation-in-part of U.S. Serial No. 10/284,728, filed on October 31, 2002, now U.S. Patent No. 7,166,328, which claims priority from U.S. Provisional Application No. 60/347,910, filed on November 7, 2001. The '910 provisional application is the earliest priority document in this family of applications, and the present application traces its priority to this document. Applicants seek to establish these claims to priority by petition being filed concurrently with this paper.

The Ma reference's earliest possible priority date is later than November 7, 2001. Likewise, the Thompson 2 reference's earliest possible priority date is later than November 7,

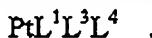
¹ WO 02/15645 ("the Lamansky 2 reference").

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2001. Thus, neither of these references is prior art under §102, and therefore neither is available for a 35 USC §103 rejection. As the Lamansky 2 reference was cited only as a secondary reference in combination with references that are unavailable as prior art, Applicant need not address it.

The November 20, 2006 Office Action takes the positions that the Formula III compounds in the claims are not fully supported by the '910 application and that the applied references suggest compounds within the scope of Formula III as defined in the rejected claims that are not supported by the '910 application (please see the Action at paragraph 6, on page 8).

Formula III in the present claims is the same as Formula II in the '910 application,



Both L³ and L⁴ are identified in the provisional application as monodentate ligands while L¹ is a bidentate ligand of Formula III (Fig. 1), Formula VII (Fig. 2) (page 2 and page 4, lines 25-26, of the provisional application). Other L¹ ligand types are identified (page 5, lines 7-16) and include Formulae IV, V and VI (Fig. 1). Additional ligand types for L¹ are identified as Formulae VII (Fig. 2) and VIII through X of Fig. 2 (page 5, lines 17-19 and 26-35). Additional examples of ligand L¹ are given in Table 1 (pages 9-10) and Table 2 (page 11). The L³ ligand is discussed in further detail, page 7, line 31 to page 8, line 3. Ligand L⁴, a monodentate phosphine ligand, is discussed in further detail in the provisional application on page 8, lines 4-16 and in Figs. 6A and 6B.

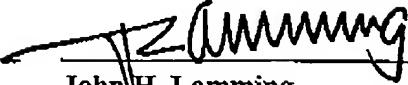
Conclusion

Applicant respectfully submits that the informality objection and obviousness rejections should not be reapplied to the pending claims, assuming favorable disposition of Applicants' co-pending petition.

Should the Examiner have questions about the application or the contents of this paper, the Examiner is invited to call the undersigned at the telephone number listed below.

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Respectfully submitted,


John H. Lamming

Attorney for Applicants
Registration No. 34,857
Telephone: (302) 992-5877
Facsimile: (302) 892-1026

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